UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,785	10/18/2001	John Loring Yester	201-0303 JMS	5437

28395   7590   03/07/2003

BROOKS & KUSHMAN P.C./FGTI
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
NGUYEN, THU V

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Advisory Action	09/682,785	Yester et al
	Examiner	Art Unit
	Thu Nguyen	3661

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
        NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

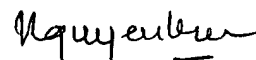   The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1,3-5,7-9,11-14,16 and 17*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Thu Nguyen
AU 3661

Continuation of 5. does NOT place the application in condition for allowance because: In response to applicant's argument on page 2-3, it should be noted that the cited page and line number in the response does not correspond with the original specification which identifies details in paragraphs. Although paragraph [0028] teaches the cited paragrah "As within the home environment ... to vehicle usage", the cited paragraph [0028] appears to teach that the personalization storage device is capable of storing the vehicle user's preference and vehicle's usage so that the vehicle's preference of an individual driver and the vehicle usage can later be recalled, the cited paragraph also does not teach using the vehicle's usage and preference to set the off-board vehicle operating value, the specification also does not teach using the both the command output from the personalization storage device, and the accessed information of vehicle usage to set an offboard vehicle operating value. It is not clear how the vehicle usage and the vehicle's preference be possibly used to set an off-board operating value, it is also not clear in what kind of situation such the vehicle usage and vehicle preference be needed by the off-board control system to control an off-board device. In response to applicant's argument on page 5, refer to disccusion to the 112 2nd paragraph issue discussed above, further, it is well known that the storage device (memory) must output its stored data signal to a microcontroller when data stored in the storage device is accessed, since the storage device 11 (fig.2) of Walsh (US 4,658,371) stores information listed in col.4, lines 50-61, the storage device 11 (fig.2) must output information such as "type of fuel used" and vehicle usage information such as "the mileage of the vehicle" to the microcontroller so that the micorcontroller can set the off-board operating value such as the type and amount of fuel to be dispense when fuel refill is needed.